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SMITHSONIAN INSTITUTION

SPEECH

OF

HON. JAMES F. SIMMONS,

OF RHODE ISLAND,

ON

THE STATE OF THE UNION.

DELIVERED IN THE SENATE OF THE UNITED STATES, JANUARY 16, 1861.

The Senate being in Committee of the Whole on the state of the Union, and having in consideration the amendment offered by Mr. CLARK to the resolutions of Mr. CRITTENDEN, Mr. SIMMONS said:

Mr. PRESIDENT: I intimated yesterday, that when this question came up again I desired to submit a few remarks to the Senate; and I do not know but that it is as well to do so on the amendment as on the original proposition. I am opposed to the amendments of the Constitution proposed in these resolutions; but before I proceed to point out the particular objections to these amendments, I will try to explain what I understand to be the Constitution we now have.

The Senator from Texas, (Mr. WIGFALL,) the other day, in some remarks to the Senate, said that when this Constitution was framed, by the aid of Connecticut, seconded by Mr. Paterson, of New Jersey, the framers of the instrument were prevented from making it a national system, and through the aid of Connecticut and New Jersey, made it a federative system. I do not intend to argue that question, whether or not, at this day, we are living under a Confederation or a Constitution; but I will state the proposition as made in the convention upon which he based this declaration, and I ask my friend and colleague—as he can see better than I can, and also read a great deal better—to read this debate. There are several pages of it. I think it explains more clearly than I could what the fathers intended this instrument to be. The proposition was this: Mr. Ellsworth moved that it be referred to the Legislatures of the States for ratification; Mr. Paterson seconded the motion; and here is the debate upon it, which I shall make a part of my speech.

Mr. ANTHONY read, as follows:

“Mr. ELLSWORTH moved that it be referred to the Legislatures of the States for ratification.

“Mr. PATERSON seconded the motion.

“Colonel MASON considered a reference of the plan to the authority of the people as one of the most important and essential of the resolutions. The Legislatures have no power to ratify it. They are the mere creatures of the State constitutions, and cannot be greater than their creators. And he knew of no power in any of

their constitutions—he knew there was no power in some of them—that could be competent to this object. Whither, then, must we resort? To the people with whom all power remains that has not been given up in the constitutions derived from them. It was of great moment, he observed, that this doctrine should be cherished, as the basis of free Government. Another strong reason was, that, admitting the Legislatures to have a competent authority, it would be wrong to refer the plan to them, because succeeding Legislatures, having equal authority, could undo the acts of their predecessors; and the national Government would stand, in each State, on the weak and tottering foundation of an act of Assembly. There was a remaining consideration of some weight. In some of the States the governments were not derived from the clear and undisputed authority of the people. This was the case in Virginia. Some of the best and wisest citizens considered the constitution as established by an assumed authority. A national constitution derived from such a source would be exposed to the severest criticisms.

“Mr. RANDOLPH. One idea has pervaded all our proceedings, to wit: that opposition, as well from the States as from individuals, will be made to the system to be proposed. Will it not then be highly imprudent to furnish any unnecessary pretext by the mode of ratifying it? Added to other objections against a ratification by the legislative authority only, it may be remarked that there have been instances in which the authority of the common law has been set up in particular States against that of the Confederation, which has had no higher sanction than legislative ratification. Whose opposition will be most likely to be excited against the system? That of the local demagogues who will be degraded by it from the importance they now hold. These will spare no efforts to impede that progress in the popular mind which will be necessary to the adoption of the plan, and which every member will find to have taken place in his own, if he will compare his present opinions with those he brought with him into the convention. It is of great importance, therefore, that the consideration of this subject should be transferred from the Legislatures, where this class of men have their full influence, to a field in which their efforts can be less mischievous. It is, moreover, worthy of consideration, that some of the States are averse to any change in their constitutions, and will not take the requisite steps unless expressly called upon, to refer the question to the people.

“Mr. GERRY. The arguments of Colonel Mason and Mr. Randolph prove too much. They prove an unconstitutionality in the present Federal system, and even in some of the State governments. Inferences drawn from such a source must be inadmissible. Both the State governments and the Federal Government have been too long acquiesced in to be now shaken. He considered the Confederation to be paramount to any State constitution. The last article of it, authorizing alterations, must consequently be so as well as the others; and everything done in pursuance of the article must have the same high authority with the article. Great confusion he was confident, would result from a recurrence to the people. They would never agree on anything. He could not see any ground to suppose that the people will do what their rulers will not. The rulers will either conform to or influence the sense of the people.

“Mr. GORHAM was against referring the plan to the Legislatures. 1. Men chosen by the people for the particular purpose will discuss the subject more candidly than members of the Legislature, who are to lose the power which is to be given up to the General Government. 2. Some of the Legislatures are composed of several branches. It will consequently be more difficult, in these cases, to get the plan through the Legislature than through a convention. 3. In the States many of the ablest men are excluded from the Legislatures, but may be elected into a convention. Among these may be ranked many of the clergy, who are generally friends to good government. Their services were found to be valuable in the formation and establishment of the constitution of Massachusetts. 4. The Legislatures will be interrupted with a variety of little business; by artfully pressing which, designing men will find means to delay from year to year, if not to frustrate altogether, the national system. 5. If the last article of the Confederation is to be pursued, the unanimous concurrence of the States will be necessary. But will any one say that all the States are to suffer themselves to be ruined, if Rhode Island should persist in her opposition to general measures? Some other States might also tread in her steps. The present advantage, which New York seems to be so much attached to, of taxing her neighbors by the regulation of her trade, makes it very probable that she will be of the number. It would therefore deserve serious consideration, whether provision ought not to be made for giving effect to the system without waiting for the unanimous concurrence of the States.

"Mr. ELLSWORTH. If there be any Legislatures who should find themselves incompetent to the ratification, he should be content to let them advise with their constituents, and pursue such a mode as would be competent. He thought more was to be expected from the Legislatures than the people. The prevailing wish of the people in the eastern States is, to get rid of the public debt; and the idea of strengthening the National Government carries with it that of strengthening the public debt. It was said by Colonel Mason, in the first place, that the Legislatures have no authority in this case; and in the second, that their successors, having equal authority, could rescind their acts. As to the second point, he could not admit it to be well founded. An act to which the States, by their Legislatures, make themselves parties, becomes a compact from which no one of the parties can recede of itself. As to the first point, he observed that a new set of ideas seem to have crept in since the Articles of Confederation were established. Conventions of the people, or with power derived expressly from the people, were not then thought of. The Legislatures were considered as competent. Their ratification has been acquiesced in without complaint. To whom have Congress applied on subsequent occasions for further powers? To the Legislatures, not to the people. The fact is, that we exist at present, and we need not inquire how, as a Federal society, united by a charter, one article of which is, that alterations therein may be made by the legislative authority of the States. It has been said that, if the Confederation is to be observed, the States must unanimously concur in the proposed innovations. He would answer that, if such were the urgency and necessity of our situation as to warrant a new compact among a part of the States, founded on the consent of the people, the same pleas would be equally valid in favor of a partial compact, founded on the consent of the Legislatures.

"Mr. WILLIAMSON thought the resolution (the nineteenth) so expressed as that it might be submitted either to the Legislatures or to conventions recommended by the Legislatures. He observed that some Legislatures were evidently unauthorized to ratify the system. He thought, too, that conventions were to be preferred, as more likely to be composed of the ablest men in the States.

"Mr. GOUVERNEUR MORRIS considered the inference of Mr. Ellsworth from the plea of necessity, as applied to the establishment of a new system on the consent of the people of a part of the States, in favor of a like establishment on the consent of a part of the Legislatures as a *non sequitur*. If the Confederation is to be pursued, no alteration can be made without the unanimous consent of the Legislatures. Legislative alterations, not conformable to the Federal compact, would clearly not be valid. The judges would consider them as null and void. Whereas, in case of an appeal to the people of the United States, the supreme authority, the Federal compact may be altered by a majority of them, in like manner as the Constitution of a particular State may be altered by a majority of the people of the State. The amendment moved by Mr. Ellsworth erroneously supposes that we are proceeding on the basis of the Confederation. This convention is unknown to the Confederation.

"Mr. KING thought with Mr. Ellsworth, that the Legislatures had a competent authority, the acquiescence of the people of America in the Confederation being equivalent to a formal ratification by the people. He thought with Mr. Ellsworth, also, that the plea of necessity was as valid in the one case as in the other. At the same time he preferred a reference to the authority of the people, especially delegated to conventions, as the most certain means of obviating all disputes and doubts concerning the legitimacy of the new Constitution, as well as the most likely means of drawing forth the best men in the States to decide on it. He remarked that, among other objections made in the State of New York to granting powers to Congress, one had been that such powers as would operate within the States could not be reconciled to the Constitution, and therefore were not grantable by the legislative authority. He considered it as of some consequence, also, to get rid of the scruples which some members of the State Legislatures might derive from their oaths to support and maintain the existing constitutions.

"Mr. MADISON thought it clear that the Legislatures were incompetent to the proposed changes. These changes would make essential inroads on the State constitutions; and it would be a novel and dangerous doctrine that a Legislature could change the constitution under which it held its existence. There might, indeed, be some constitutions within the Union, which had given a power to the Legislature to concur in alterations of the Federal compact. But there were certainly some which had not; and, in the case of these, a ratification must of necessity be obtained from the people. He considered the difference between a system founded on the Legislatures

only, and one founded on the people, to be the true difference between a league or treaty and a constitution. The former, in point of moral obligation, might be as inviolable as the latter; in point of political operation, there were two important distinctions in favor of the latter; first, a law violating a treaty ratified by a pre-existing law might be respected by the judges as a law, though an unwise or perfidious one. A law violating a Constitution established by the people themselves would be considered by the judges as null and void. Secondly, the doctrine laid down by the law of nations in the case of treaties is, that a breach of any one article by any of the parties, frees the other parties from their engagements. In the case of a union of people under one constitution, the nature of the fact has always been understood to exclude such an interpretation. Comparing the two modes, in point of expediency, he thought all the considerations which recommended this convention in preference to Congress, for proposing the reform, were in favor of State conventions in preference to the Legislatures for examining and adopting it.

"On the question, on Mr. Ellsworth's motion, to refer the plan to the Legislatures of the States—

"Connecticut, Delaware, Maryland—aye, 3.

"New Hampshire, Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia—no, 7."—*The Madison Papers; Containing Debates on the Confederation and Constitution. Supplement to Elliott's Debates, vol. 5; pp. 352, 353, 354, 355, 356.*

Mr. SIMMONS. Mr. President, that explains what the framers of this Government intended it should be; and yet men will refer to that very question there decided—seven against it, and three for it—and say that that decision was in favor of making a *confederation*, instead of a *national Government*; and every argument that has been made on the opposite side of the Chamber has treated this Constitution as if it were a league or treaty. A compact broken in one part is broken in all parts, said Mr. Webster. I agree with that; but did he ever say this Constitution was a compact? Never; never; on the contrary, he expressly denied it. Quotations are made from eminent men, who make speeches either to get votes or to get nominations, and are adduced here as constitutional authority. I read this very debate and another here fourteen years ago, in the presence of the Senator from Virginia, (Mr. MASON.) I read what that gentleman's distinguished ancestor said on this constitutional question. I read it, too, upon another portion of this subject that I shall call his attention to. Every Senator who has made an argument upon this question in favor of the right of a State to secede, has based it upon the argument, and solely upon the argument, that the Constitution is a treaty, and not a *CONSTITUTION*. I agree that a treaty which is broken in one part is broken in all, and frees everybody. That was Mr. Madison's doctrine; but he said that a constitution formed by the people is not a compact, but a *pact* that excludes such an interpretation. Yet, everybody on the other side says it is a compact; and the distinguished Senator from Texas says that the old men who made this Constitution, of all things in the world, knew nothing about it; that they were very good men for generals, and such like, but knew nothing about the Constitution. Well, sir, they are good enough authority for me. I would rather read their authority than any other. I make no argument upon it.

I call the attention of the Senator from Virginia to what he said this morning about referring these resolutions to the people. He said he was against letting the people vote on them. His distinguished ancestor said he held it of the first importance, that this Government should rest on the will of the people; but it has got to be unfashionable now; the people are not to be trusted in this age. I have as abiding faith in them now as the fathers had when they made this Constitution; and how did they come

out? Look at your seventy years' experience under this Constitution. Did they trust the people in vain? I hope not, I know they did not. It was the faith of the fathers. Let us live by it, and stand by it. But I shall be tedious if I go into that debate; and therefore dismiss it.

Mr. MASON. Will the Senator allow me to interpose a word?

Mr. SIMMONS. Certainly.

Mr. MASON. What I said implied no distrust of the people whatever. What I said referred entirely to the theory of this Government. This Government, as I understand, is a confederation of States; and when the people are spoken of in the Constitution, it means the people of each State *separatim*, as a separate independent political community, each State being sovereign. Now, I understand the scope of this resolution is to refer a question of constitutional amendment, not to the States or to the people of the States, as separate independent political communities, but to refer it to the people of all the States as a general mass. I say that the Constitution never contemplated that the people of the United States, as a mass, a homogeneous mass, should be the parties to the Federal Government; and therefore, without any distrust of the people in their separate States, I never can agree to convert the form of government we now have, from a confederation of Republics into a consolidated Government. And, interrupting the Senator for a moment longer, I would refer to the fact, that when the Constitution contemplates amendments to be made to it, they are amendments to be made to it by the States, as States, either by their Legislatures or by conventions, as may be arranged; but in each instance the amendments are to be made by States, and those amendments would not be carried by a popular vote, but each State would give one single vote and one only upon the amendments. The State which the honorable Senator represents, with its population, would give a vote equal to the State represented by the Senator from New York—a single vote. There was no idea of referring it broadcast to the people, as a consolidated mass. That is all I wish to say.

Mr. SIMMONS. I did understand the Senator to make the objection. If I read these resolutions aright, these amendments are to be adopted if they are approved of by the people of three-fourths of the States, each State having one vote. That is the way I read them. One of them, I am pretty sure, says so. I read it yesterday. I agree that the Senator is right in saying that the amendments are to be referred to the people of the States, and that the original proposition was made to the people of the States; and why? Because this Constitution took from the State authorities many of the powers that the people had given to their State Legislatures; and they were not going to have a mass meeting, and let the people of Virginia take away the rights that had been given by the people of South Carolina to their State Legislature. It must be the same constituent body that granted these rights to their State government, that should take them back again and grant them to this Government. That is the distinction. Nobody was competent to take away the rights of the Legislature of Rhode Island but the people of Rhode Island, and so it is with all the rest of the States. That is the reason, and the only reason, that this Constitution was sent to the people of the States; not because it was a *confederation*, as the Senator reiterates again to-day, but, because powers were given in the Constitution to the national Government that could not be taken from the States by anybody but those who gave those powers to the State Legisla-

tures; and they took those powers from the States in ratifying this Constitution, and gave them to the national Government. I have no doubt the Senator from Kentucky, in his resolutions, has provided the same mode that is pointed out in the Constitution, to let the people vote in each State for or against these amendments. Am I mistaken in that?

MR. CRITTENDEN. The resolutions which I offered provided no means of that sort; but the Senator from Pennsylvania (MR. BIGLER) has been so good as to introduce a bill here prescribing the mode in which the vote shall be taken, as it was taken at the presidential election, and by the same officers.

MR. SIMMONS. I have seen it somewhere in the printed proceedings. That would certainly be the way. There is no other way to do it under the Constitution. Every suggestion, every argument made use of by every man who spoke in this debate in the Convention as to whether the Constitution should be ratified by the Legislatures or by the people, no matter whether they were in favor of a Confederation or in favor of a national Government, furnishes a complete answer to all the arguments that have been brought up here in favor of the right of a State to secede. Mr. Ellsworth, as much of a Federalist as he was, denied that right even under the confederation and every national man from that time down has always denied it.

MR. President, having disposed of that question, so far as I choose to speak on it in this connection, I come to the provisions for its amendment; and I have to say to my worthy and distinguished friend from Kentucky that I consider his plan grossly violative of the Constitution itself. He knows that I speak of it kindly; but I cannot in my conscience believe otherwise than I have stated. I know these troubles. I feel as much regret as I know he feels at such unwarrantable troubles brought upon us from so trifling causes, as I conceive; but I cannot vote for these resolutions, because I think they violate the very spirit of the instrument under which we sit here. Here is a proposition to add five new sections to the Constitution, and to make them and two clauses of the present Constitution irrepealable and unalterable. I ask the Senator if he has thought enough, to be certain, that these propositions are sound enough to make them, like the laws of the Medes and Persians, unalterable, in a free Government? I have read them over but twice. I know they would be wholly impracticable in Rhode Island. We have in Rhode Island no county organization that you can sue to recover the value of a slave. You must have somebody to sue. You must have an organization. I have not read them with a view to criticise, but I am speaking of them generally. Here is an instrument founded by our fathers. Our Constitution has been in operation three-quarters of a century, and the country has flourished under it as no other country has ever before done under heaven. There is in that instrument but one single clause irrepealable, and that is the clause which gives the State of Rhode Island as many Senators as the State of Kentucky. That you cannot repeal without unanimous consent, and that is the only one that now remains. There was another in reference to the importation of slaves, but that has become obsolete.

I will put a case to the Senator from Kentucky. Suppose that he and myself and eleven others had formed a partnership, and had paid in \$1000 each for raising water-rotted hemp in Kentucky, and had put into our

agreement that any one who would pay in \$1000 could join us, upon an equal footing with the original partners, and that the business might be changed, by the votes of three-fourths of the partners. This would be fair. Well, we went on, took in partners, and raised hemp, and divided twelve per cent. per annum. That would be a fair business—not so prosperous as this country has been, but it would be remunerative. Suppose we admitted new partners until we had thirty nine, beside the original thirteen, a constitutional majority, and they conclude among themselves at a meeting in Wall street, (for if it paid twelve per cent. it would be from there these new partners would come, and not from among farmers, as we are,) and determining by their thirty-nine votes against our thirteen, to quit hemp-raising and go into slave-trading. We should remonstrate, and say, "That is an illegal business;" it is profitable to be sure, but illegal—and you have no right to make our concern an illegal one. They would answer, "it was legal when the partnership was formed—you old fogies have altered the laws since, and not we—it was lawful business when the contract was drawn—we persist in it." We should look over the contract, and find it so, and though opposite to what we expected to be done, we should be obliged to submit. We are law-abiding men, and believe in the validity of contracts. But suppose that after getting us into the slave-trade, they should make another provision in the contract itself, that the business should be continued, unless unanimously voted otherwise, and that we must carry on this piratical trade as long as there was a thief or a liar in the concern. What would he say to that? We would not agree to it I know. He would say, "That is carrying things too far."

That is just the proposition here. We are asked to alter this Constitution from what the fathers made it. We must alter the mode of its amendment, and put in seven new clauses that can never be repealed, no matter what public sentiment may be, without a unanimous vote; so that one single State, if we have forty, can prevent the repeal of any one of them. I know, when I address myself as I do to the honorable Senator from Kentucky, that he would not vote for that proposition himself under any circumstances. He would contrive some other method to heal these troubles; and I would go with him with all my heart; but do not let us tear up this old instrument under which we have prospered, which he glories in as much as I do. I do not want to make a speech about it; but I know when I love my country and its Constitution. No man can make me believe that I do not venerate that instrument; that I do not venerate the Union that it formed. I am under no apprehension whatever that there is a man who hears me that doubts my regard for every one of these States in the Union, and their institutions. I love Kentucky. I love South Carolina. I lived among them more than fifty years ago. I have partaken of their hospitalities. I have walked to the same churches with them, and knelt at the same altar; and a more hospitable people never lived. But as much as I love them, I say their present conduct is utterly unworthy of them; and the Senator from Kentucky must know that as well as I do. Because they want to cut up capers, are we going to tear up that instrument to appease them? Not we. Let them have a little bit of a frolic, if they want to. I do not want to whip them. That is not my notion. I do not want to hurt them.

I love Georgia. I lived with them fifty years ago. I have been out there on patrol in the night to watch. They were frightened about insurrection. There is always danger, they think. I never was afraid there in

my life. The only place where I ever saw any of this negro equality, as it is called, was in Georgia. A man kept a hotel in what was formerly the seat of government. It was a tavern, a very large one, kept by a Frenchman of the name of Posener. He invited me one day to go up and see his wife. I was a boy at the time. I went up, and found she was a great, burly negress. (Laughter.) I have nothing to say about her. That was the only time I ever saw that, and I was disgusted with it. I never saw it in New England in my life, much as the talk is about negro equality there. These Georgia people can stand their own troubles very well; but when there are any troubles down in Massachusetts, they get in a violent passion. They will have it that there is amalgamation and negro equality there; but I do not want to say anything about it. I dislike it, to be sure; but it is not best to make a noise about it.

The Republican party cannot insert a portion of the Declaration of Independence into its platform, but it is said that we mean the social equality of the negroes. I wonder if Jefferson meant that when he wrote it. These old men that signed it did not think any such thing. It is "young America" that has brought their doctrine into disrepute. Our distinguished Vice President, in a speech last year, read an old resolution of the Republican party of 1856, in which the word "equality" was not in. It was left out for some reason or other. It was copied from that old-fashioned Declaration; and he said that a careful scrutiny of it would show it meant negro equality. There was not a word about equality in it. I do not know where he got it; but I suppose all that was there was copied from Jefferson. We cannot make a platform but what a diseased imagination can torture it into anything, especially in these times. I have been to these national conventions ever since I can remember—not always as a delegate. The first one I went to, as a delegate, Rhode Island had the honor of voting for the author of these resolutions for Vice President of the United States; and if the rest had been as wise as we were, we should have had power to this day, in my deliberate judgment, taking what providentially happened; but we caught a Tartar.

I have never voted for a President in my life, and I have voted for forty years or more, when I did not prefer a man born in a slave State. In all the conventions I have been a member of, we have selected for President a man born in a slave State; and whenever there has been anybody up for President, and there were electors running in my State for a man born in a slave State, I voted for him without caring where he was born. I was for Mr. Clay in 1824; although Mr. Adams was a good man and gave us one of the best administrations I ever knew. I never had but one idol, and I never mean to have another in the shape of a man. It is almost as bad as to set up cotton for king.

I mean to treat this subject with all the gravity that its dimensions demand. I know it is one of the most difficult questions. I have thought of it, and looked into the fire more than a hundred hours since I have been here, not saying a word, to try if I could see the way out peaceably; and I am just as young as my youngest boy about it. Nobody has any experience in such questions as this; for nobody ever dreamt that mankind would have such folly as is now exhibited. What are they quarreling about? Literally nothing. This Government has been in their hands, as was said by the Senator from Ohio, (Mr. WADE,) for the last eight years. Practically, the South have had this Government for sixty years out of seventy-two; and they talk about sectionalism, and some of the remedies to get

rid of a sectional party are, to make a sectional constitution, run a line through, and give half the territory and offices to the side that has but one third of the people. A double portion is, with them, equality. The Senator from Virginia (Mr. HUNTER) wants a sort of double Executive—after the Siamese pattern—a first king and a second king. (Laughter.) He wants to elect them both, and let both have a veto. We have been pestered enough with vetoes since I have been here; and I would rather take the veto away from the one man than give it to two. You cannot get along with this Government, it seems, unless you let the minority rule some way or other. That is the question now. The minority want to rule, and they are afraid of the people—literally so.

I wish I could see a proposition that I could hear somebody who was disaffected say would satisfy him. I have not heard one of them say so. The Senator from Texas said if we would do about forty things that he knew we would not do, he would then *consider*. That is the nearest approach to a settlement that I have heard. (Laughter.) If we would stop the pulpits, burn the school-houses, suppress the newspapers, imprison the Abolitionists, and break up this Government, he would think about staying in. (Laughter.) He would take it into *consideration*; he would not *pledge* himself, he said. Oh, no! (Laughter.) Well, now, I like the Senator from Texas. I like him on account of his "better half." (Laughter.) She was from Rhode Island; and he will take anything I say kindly on that account.

Mr. President, it is a great question. These people who have seceded will find a bigger sum than they ever ciphered out before. I want to see how they will cipher it out before we move. Let those people that are afraid take care. I am not afraid. If I were, I should take care. I would do anything in reason to remove this dissatisfaction. I feel sad when I think of it. But I wish somebody that is troubled, and wants it relieved, would suggest how we can relieve it. Kentucky is as loyal a State as ever was in the Union. They want something, I know. The people have been aroused by this election, as is natural. All presidential elections excite a great deal of feeling; and for that reason it is the worst time in the world to try to amend the Constitution. They have talked it so long that they begin to believe it themselves, that the Republican party means to endanger their institutions. I said here four years ago, that if I found myself in a party that undertook to disturb the institutions of the South, I would quit it immediately. So I will. I have been in it now four years, and have yet to see or hear the first man in it propose any such thing. Nothing could induce me to remain in a party that I thought meant to break the Constitution.

As to the President-elect, he is from Kentucky. All his social ties are with Kentucky. As has been well remarked by a Senator, he has not only said what he would do, but he has said what he would not do; and I do not believe there can be two inferences about that. Some candidates only say what they will do; but Mr. Lincoln has not left you to infer what he will not do. He has told you himself what he will not do. That is the man we have elected; and you can find in his record that he will not disturb slavery anywhere. He is against any such thing; and if he were not, he has family connections, social ties, and kindred, that would prevent him. These are higher guarantees than parchment. I would rather have the fervent, effectual prayer of a righteous man for this Union, than all you can write on parchment to save it.

I thought when I got up that I would keep my voice from rising, because when men's voices rise, sometimes their feelings get the better of them. I thought I would talk as if I was talking to my brothers, making not arguments but suggestions. No man felt more deeply impressed with the beautiful effort of the Senator from New York, (Mr. SEWARD,) than I did. It came from the right quarter to give peace. But the very next speech that was made after it, was the bitterest I have heard in the Senate. That was the response. I say this with the utmost kindness to my friend from Missouri, (Mr. POLK,) who made that speech. It was very bitter. The effort of the Senator from New York did not seem to have appeased him at all. I think the Senator from New York went a great way. Why, Mr. President, it is something for a party in the majority to agree to conciliate in the present aspect of this country. I will do anything that I can do that will not demoralize the Government. I am afraid of that—absolutely afraid of it. I am afraid to do anything that will bring reproach upon the Government I love. The Senator from New York said, that to threats he would offer conciliation. That I would do. He said that to exactions he would grant concessions. That I am not quite certain I would do. He said that to hostile array he would give the right hand of brotherhood. That is good. I have faith that the millennium will come; but I do not think it is here now. That would be good doctrine then. But, sir, the millennium has not come. I know the reading of scripture, but I suppose it was wrongly rendered. I could never interpret the scripture there where it said that that generation should see it; but I suppose the translators rendered it wrongly; they did not quite understand the original tongue. But, sir, the millennium did not come while Judas Iscariot lived, nor will it come while others like him fester and pester the society in which they live, shame their country, and dishonor their race. It will not come while such men are here. They will be disposed of before that time comes.

The Senator from Kentucky believes with me in that respect. I shall not utter a sentiment that he will not agree with. If I do, I will take it back immediately. He and I have lived too long together for me to say anything disrespectful to him. I never had any uneasiness in reference to him but about one thing, and that was about my children. I was not afraid that they would love him any better than I did; but I was afraid they would love him better than they did me, (laughter,) and that is the case with all Rhode Island. There is no Prince of Wales or his mother, or any other crowned head of Europe, that Rhode Islanders would travel so far to see as the Senator from Kentucky. And so it has been for the last quarter of a century.

I have now said all that I intend to say about making the proposed amendment perpetual. I hope the Senator from Kentucky will run out in his own mind the idea that I give him about that, and will feel just as I do in regard to it. The series of resolutions introduced by Edmund Randolph into the convention, declared that there ought to be a Government which could be changed by a majority less than the whole. That was one of the cardinal principles laid down when this Government was formed. Now, it is proposed to make this proposition so that it cannot be changed. The Senator from Kentucky loves the Constitution as well as I do. He was brought up under its teachings. He has illustrated it in every speech he has made, and his whole life has illustrated it. Guarantees to slavery are proposed as if the Republican party intended to invade the rights of slaveholders. Why, sir, they would not have a corporal's guard with them in

either House of Congress if they attempted it. It would not be as large as the Tyler party, and that consisted of but five.

I made some memoranda when Senators were speaking, for I thought I would answer some of their arguments in detail; but I never did write a sheet of paper over with notes but it bothered me, for I never can read them. I am sorry it has got to be the fashion to take them at all except by the reporters. Sir, I want the Senator from Kentucky to turn his mind and his energies to some method of composing these difficulties that shall not destroy the Government. I am willing to say that any interference with slavery in the States by the General Government is not among the powers granted to Congress, and ought not to be granted or exercised for all time. I do not believe the General Government has any such power. I never did believe it; and if you want to make it any clearer I would put that in. The powers of this Government are as distinct and as independent as if there were no States. The powers delegated to the National Government are to be exercised as if there were no States. On the other hand, the powers that are retained by the States, and the people of the States, are as independent of those as if there was no National Government. That is my doctrine. I am a State-rights man as well as a national man; and the powers are clearly defined—defined in the book and defined by the practical experience of seventy years. I should like to see a man bold enough to say that, under the authority of the Constitution, the General Government it created could interfere with slavery in the States in any way, directly or indirectly. I believe in no such doctrine, and I do not believe there is anybody who holds it; at least I have never seen him, nor do I believe there is a public man in the United States big enough to obtain a vote for President that would ever think of it, of whatever party he may be. We have nothing to do with protecting it or disturbing it in the States; but in regard to the Territories, I do not agree with the new-fashioned notion. I believe we have a right to do either in the Territories. We have a right to govern the Territories as we please. I do not agree in the notion that this Government is a trustee of the States for the Territories. I never heard of such a doctrine until lately.

The Senator from Oregon (Mr. LANE) says that he is for having the equal rights of all the States in this league. Why, sir, they had an alliance in Europe in 1815—I think it was the treaty of Vienna—where the five great Powers agreed together to take care of the rest of the world, and formed what was called “The Holy Alliance;” and I believe it is in being yet, and that there was a talk of calling them together to take care of Italy. That alliance consisted of England, France, Russia, Prussia, and Austria. If either of those Powers, during the last forty-five years, had discovered a new country, do you suppose it would give up its own title to it, and say it held it for the alliance? If a treaty of alliance for boundaries and the balance of power in Europe, had defined stipulated powers, anything they did they would do in common as we do; but is there any power here to discover territory? That is not one of the express powers granted in the Constitution, and on the theory of all these secessionists, when a ship of John Jacob Astor’s discovered the mouth of the Columbia river, and took possession of it, that territory would belong to the State of New York. The Constitution gives this Government no power to acquire territory. Why is not that territory New York’s? The power that discovers a country, by taking possession of the mouth of a river, takes all the slopes that run into it. That is the doctrine. Upon this idea, it would belong to

New York, manifestly; but it is a power incident to the *national* sovereignty; and so the sailor himself understood it, and he hoisted the stars and stripes there, instead of the flag of New York. What right have any of these other States to control slavery in that territory by virtue of our being trustees for the States? It is moonshine, utter moonshine. The territory belongs to the Government of the United States as an incident of its sovereignty; and every sailor that could hand, reef or steer would know what flag to put up on a discovered country, without consulting any constitutional lawyers. It would be the national flag.

My friend from Kentucky knows that. He believes it. We acquire territory in consequence of our national sovereignty. There is no express power in the Constitution for it. It is an incident to sovereignty, an incident to the war and treaty-making powers. We own the territory. The States have no more to do with it than the Emperor of France—not a bit more; and this Government has nothing to do with their local affairs, except to protect them. That we are bound to do. We have given them guarantees to take care of them, to save them from themselves, if they have disturbances among themselves, and call upon us; and we ought to do it. I am ready to do it if there is any disturbance. There is no man here but is willing to prevent any invasion of any State for the purposes of injury and annoyance, and to punish those engaged in it.

It has been charged that the Republican party were not willing to do this. Everything that has been done for the last twenty years is charged to the Republican party, which in our State did not exist until four years ago last May. That was the first meeting they ever held there under their organization—the first time they ever got together. When were the personal liberty bills, which are said to be an infraction of this treaty, passed? Massachusetts is arraigned here every other day for having passed personal liberty bills infracting the Constitution. Why, sir, if they are unconstitutional, they are utterly void. Everybody knows that. But who passed them? The first personal liberty bill that has been bandied about here all over the Senate, was passed when both Houses of Massachusetts Legislature were Democratic, with a Democratic Governor approving of it; and the negro equality law passed the same month. This charge of negro equality came from the fact that Massachusetts that year repealed the law which forbade the intermarriage of different races. That was done by the Democrats, and the next year the Democratic Governor, who approved those acts, beat “Honest John Davis.” I went there and made speeches to try to elect John Davis; but he was beaten. Our candidate was not elected by the people; nor was the other man in 1842, but he was elected by the Legislature, and next year he beat us one vote. The third year we had a national contest, and we beat them in Massachusetts; but we were beaten ourselves in the country in 1844; and that same Governor, who signed this personal liberty bill and the negro equality bill, was sent into the Senate for the best office in New England, nominated by Mr. Polk, and every Democratic Senator voted for him who knew, or might have known these facts. If they did, they would not care a fig about it, if he was on their side, but they would say: “this man probably had to get in by promising the Abolitionists to do something if he got their votes;” and that is the way he did get in. Their idea is, “it will do very well if our folks do it; only let it work for the benefit of the Democratic party, and you may pass personal liberty bills or negro equality bills to your heart’s content.” But now they get up here and lay these bills to the Republican party, when the first

Republican Governor elected in Massachusetts brought to the notice of the Legislature the very provisions in that bill which were wrong, and that Legislature altered them, although they had been on the statute-book twelve years with all sorts of Governors, and nobody ever thought of them until Governor Banks called attention to them. And yet these are the grave charges thrown up here against the Republican party, and made the occasion for breaking up this Government—such things as these!

I do not care what kind of laws they pass in Georgia or South Carolina affecting themselves; only I do not like to see those laws imprisoning our sailors because they are poor and good fellows. South Carolina made a law of that kind; but when she wanted to get trade with England, she repealed it in reference to foreign countries, but kept it on in reference to her own brothers. That is the way they treat us; but we are not going to fight about it, or quarrel over it. Our law in Rhode Island was passed six or eight years before there ever was a Republican party there—and there were more than six times as many Whigs who voted against it as there were Democrats. Two of the leading Whig members made speeches against it; but they were beaten. Afterwards, one of those men who opposed it came to be chief justice of our State. He was on the committee to revise the statutes—to make a code—and he pared the act down, so that it was inoffensive; and he said that, if it were not for making a noise, he would strike it out altogether. When the virus, that is, every part of it that even savored of unconstitutionality, was taken out, the Republican Legislature voted for it unanimously. We do not want any unconstitutional laws in Rhode Island, nor do they in Massachusetts. I know they have been pretty high strung in Massachusetts ever since I knew them. I never did like them any too much. They banished our ancestors, hung the Quakers, and killed folks for being witches. (Laughter.) I do not believe in that doctrine; but still, Massachusetts is a pretty considerable State. She was thought so in the time of the Revolution; and I made up my mind, on account of what she did then, never to harbor any hard feeling toward her for what she had done before, although she had done many bad things. I do not mean to have any hard feelings toward any State, or the people of any State, but I cannot go quite as far as the Senator from New York; for I think the millenium has not come, though I have full faith that it will. I do not know of a man in the country who could say as much as he did with as much propriety. It is something like a pendulum—the further it swings one way, of its own momentum, it will swing just so much further the other way. I keep pretty nearly right up and down, as well as I can. I do not want to be so straight that I must lean backward, although I am bent a little by age; and therefore I do not mean to go very far from my moorings. I have always held to these opinions, and do not mean to change them if I can help it. There may be circumstances which will oblige me to do so.

But I regretted, more than anything else in this debate, to see a sort of disposition to heap everything upon this Republican party, as if they made this fuss. The Senator from Illinois, (Mr. DOUGLAS,) says: "I told you so three or four years ago." I do not know but he did. There is a great deal of logic in facts, and we have been "told so" until we have carried pretty nearly all the free States. A great deal of this result came from its being charged that we meant to ruin the country. I have said for the last three years to my friends of the South, whom I have met at the Springs, that I believed they had got to this pass, that nothing would convince them

that we were not a pack of pickpockets and thieves, but for us to get power, and then their stump-orators would cease to be liars; because we should show them we had no intention of hurting them, and nothing else would prove it but our acts. I consider it providential that we have got power so that these men, before we all die out—old fogies as they call us—may see that this Government can be administered by a Republican President to the benefit of all his fellow-citizens in harmony and peace.

Now, I make what are called stump speeches in my State and others; but I never made a speech that I would not utter in the presence of every candidate before the people; never. I was told that up in Harrisburg, by a former distinguished Senator from Virginia, Watkins Leigh. He said we must make stump speeches; and as we did not know, he told us how. He said that we must not say anything on the stump that we would not say before a court of justice under oath. That was his rule, and I have observed it ever since. I said on the stump that I knew all the candidates before the country; and I believed they were all eminently able to administer the Government. I would not say it now, because I have seen some things which make it a little doubtful. I think some of them are getting to be sectional. But I said it then, and believed it; and I should not be a great ways off now if I were to say it. I think they are all good men now; but I think they have got excited, and are a little disposed to give up the doctrines that they maintained then. If they think they were wrong, I commend them for giving them up.

I do not think there is a doctrine in our platform that is subject to any just criticism, not one. Now, why should we give it up? It says that we mean to protect the States in their rights, and especially the right to regulate their own institutions in their own way. We polled nearly two million of votes, and these voters stand pledged to that doctrine. The Senator from Illinois received twelve or thirteen hundred thousand. Certainly they stand pledged to it, and against this doctrine of interfering for the purpose of protecting slave property in the Territories. There are three million three hundred thousand voters opposed to any such interference. They are all against it. I consider Mr. Bell's vote just as much on the Republican side as I do Mr. Lincoln's. I count anybody who voted against the other candidate. I wanted our voters, where they could not help our candidate, but could help Bell, to vote for him. That was my feeling. I think him an honorable, high-minded, and good man; and so I may say of the other candidate; but I do not believe he could have got three hundred thousand votes in this country upon the secession doctrine. Out of four million six hundred thousand votes, he could not have got three hundred thousand in the country upon this secession platform, in my deliberate judgment. He did not get more than one-sixth of the votes as it was. All the rest of the candidates were diametrically opposed to this doctrine. Those six hundred thousand now come here and demand that all the others shall throw up their platform, and break the Constitution, in order to appease them.

That is just the case, as I see it. That is the logic of these facts; and I cannot make anything else out of them. I ask the Senator from Kentucky, if that is fair? He would not do it. He and I will do anything that is right; but there is no propriety in denouncing great parties that have polled their million votes and more. Men have principles, feelings, love of country, and they will not be outraged by the surrender of their

doctrines. We cannot make our people do it. They would be mortified and chagrined at a surrender of principle.

I should like to make a congressional declaration, if it is needed—and such declarations go a great way—and let every man put his name on the call of the yeas and nays in favor of it, assuring the disquieted people of this country that they are safe in our hands; that we mean to protect them in their rights; that we mean to do everything that brothers ought to do to brothers. I will vote for such a declaration. I will do anything that I can to appease these feelings that so agitate the country, and even agree to alter the Constitution to do it, if you do not put so many things in it. But I would not undertake now to read these resolutions through, and find out exactly their positions in a fortnight. I want to think of a thing as much as a week after I have read it, to see how it is coming out, before I am willing to speak on it. The time has been when I could get up here at will and speak better, without knowing much about the subject; give free vent to my feelings, and go it at large. (Laughter.) But I am old enough to know it is the easiest thing in the world to be mistaken. I would now rather look it over awhile. I hope I have some reputation for speaking pretty nearly what I think, after I do look it over; and I do not want to lose it.

I have been told that there were propositions here that would satisfy some of the old thirteen States. I cannot help having a little more regard for them. I do not want Georgia to leave us. I do not want South Carolina to leave us. As to one or two of the "boughten" States, I do not believe we shall miss them much, anyhow. They cost us ten times as much as they are worth, and if they went to-morrow, it would not worry me as much as it would to lose one of the old thirteen, in which I have lived. I have lived under every President that ever was elected in this country. They were pretty good men. I like the old thirteen. I do not want Georgia or South Carolina to go out. I remember, when I talked about their banks in South Carolina, they complimented me very much; and I received letters every day thanking me for defending them against one of their Senators, who never meant to say anything to injure them; but they took the notion that he did. I wish I could talk to them about going out of this Union. I would beg of them, plead with them, and implore them not to go. I would assure them that they should have always a comfortable berth in this Union—better than they can get out of it.

As I have said, I have strong personal reasons for loving Georgia, and wish she would stay in the Union. Rhode Island has great public ones for doing so, and desiring it. Georgia has the ashes of one of the noblest of our revolutionary worthies; one whom the fathers regarded as second only to him "who was peerless among men." That dust must not go out of this Union. If Georgia does, we must take it to Rhode Island, his native land, and lay it with his kindred, where, when the last "morning drum beat" shall summon his spirit to reanimate that dust, he may rise with the same flag waving over him which was borne by grateful and gallant Georgians when they laid him to rest. It then was, is now, and, I trust, ever shall be the flag of the Union.

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